

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MATTHEW JAMES LINDSEY,

10 Plaintiff,

11 v.

12 DONALD J. TRUMP,

13 Defendant.
14

CASE NO. C17-1818-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court *sua sponte*. On December 6, 2017, Magistrate Judge
18 Brian Tsuchida granted Plaintiff's motion to proceed *in forma pauperis* and recommended the
19 complaint be reviewed under 28 U.S.C. § 1915(e)(2)(B) prior to the issuance of a summons.
20 (Dkt. No. 2).

21 Plaintiff lists the Defendant as Donald J. Trump, "Fmr. President of the United States."
22 (Dkt. No. 3 at 2.) Plaintiff alleges violations of the Nuclear Non-Proliferation Act of 1978, 22
23 U.S.C. § 3201 and the Treaty on the Prohibition of Nuclear Weapons. (*Id.* at 3.) He seeks the
24 following relief: "Arrest of Chain of Command, Impeachment, allow a Military Tribunal." (*Id.*)
25 Plaintiff includes no factual allegations in his complaint, but attached three documents—two
26 articles from the website Wikipedia.org, and a Resolution from the United Nations Security

1 Council adopted on November 21, 2017. (Dkt. Nos. 3-1, 3-2, 3-3.)

2 Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss an *in forma pauperis*
3 complaint at any time if the action fails to state a claim, raises frivolous or malicious claims, or
4 seeks monetary relief from a defendant who is immune from such relief. “[A] complaint must
5 contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its
6 face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S.
7 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that
8 allows the court to draw the reasonable inference that the defendant is liable for the misconduct
9 alleged.” *Iqbal*, 556 U.S. at 678.

10 Plaintiff has neither presented a cognizable legal claim nor alleged facts that demonstrate
11 his claim for relief is plausible. Plaintiff makes conclusory allegations that Defendant has
12 violated a federal law and treaty, without providing any facts to support the claim. (Dkt. No. 3 at
13 2.) The attachments to Plaintiff’s complaint do not help the Court to decipher his legal theory.
14 Nor does Plaintiff state a cause of action that would allow him to bring his lawsuit. Plaintiff’s
15 claim is also frivolous because it “lacks an arguable basis in fact or law.” *Neitzke v. Williams*,
16 490 U.S. 319, 325 (1989).

17 Even in applying the Ninth Circuit’s directive to construe *pro se* complaints liberally, the
18 Court cannot find that Plaintiff has stated a claim upon which relief can be granted. *See Hebbe v.*
19 *Pliler*, 627 F.3d 338, 342 (9th Cir. 2010). However, the Court will not dismiss a claim unless “it
20 is absolutely clear that no amendment can cure the [complaint’s] defects.” *Lucas v. Dep’t of*
21 *Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) (citation omitted).

22 Accordingly, the Court ORDERS that Plaintiff shall file an amended complaint no later
23 than twenty-one (21) days from the date of this order. In his amended complaint, Plaintiff must
24 include a short and plain statement demonstrating to the Court that there is a legal basis for his
25 claims against Defendant. Plaintiff shall identify facts that demonstrate Defendant violated the
26 law and how Plaintiff is entitled to relief as a result of the violation. Finally, Plaintiff must

1 request forms of relief that the Court can actually grant.

2 The Clerk is DIRECTED to mail a copy of this order to Plaintiff at 1612 Bothell Everett
3 Hwy, Suite 354, Mill Creek, WA 98012.

4 DATED this 7th day of December 2017.

5 William M. McCool
6 Clerk of Court

7 s/Tomas Hernandez
8 Deputy Clerk